THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18600 of 2006

Dated: 08-09-2006

Between:

Shaik Zafar.

..... PETITIONER

AND

The District Collector, Hyderabad, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.18600 of 2006

ORDER:

This writ petition is filed assailing the proceedings No.B/1275/ 2001-II dated 30-08-2006 issued by the second respondent, namely, the Mandal Revenue Officer(MRO), Bahadurpura Mandal, ordering the issue of notice under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905 (the Act, for brevity) for eviction of the petitioner.

It is the case of the petitioner that her husband purchased house bearing M.C.No.19-1-162 admeasuring 100 sq. yards situated at Gollakhidki, Hyderabad, under a registered sale deed dated 07-02-1963 and after his death she became the owner and she has been in possession of the property. MRO issued a show cause notice dated 14-08-2006 under Section 7 of the Act calling upon her as to why she should not be evicted from the encroached Government land. She submitted explanation on 17-08-2006. After considering the same, MRO issued the impugned order observing as under.

> As the Town Survey was conducted under the provisions of the Andhra Pradesh Survey and Boudnaries Act, 1923 in the twin cities of Hyderabad and Secunderabad during the period 1964-65. A notification under Section 6(1) of the said Act was issued inviting all the persons to participate in the enquiry for determining the boundaries. The land in question was surveyed and recorded as "Government Grave Yard" as mentioned in notice under reference 2nd ante.
>
> After completing the survey a notification was published under Section 13 of the said Act in the Gazette that's how the entries made in Town Survey Records have become final and conclusive proof.
>
> As mentioned ante the land in question is purely Government land classified as "Government Grave Yard" in as per TSLR.

As per the above conclusion, the petitioner is found to be in occupation of the land classified as Government graveyard and therefore, the contention of the learned counsel for the petitioner that the petitioner is in occupation of the land for over thirty years and therefore, the provisions of the Act cannot be applied is misconceived. The learned counsel for the petitioner does not dispute that an appeal would lie against the impugned order before the Revenue Divisional Officer having jurisdiction. Needless to point out that under Section 11 of the Act, the petitioner has sixty days time from the date of the order of MRO

to file appeal and till then MRO may not take action to dispossess the petitioner.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

08th September, 2006

ghn